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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/922,318 09/03/97 YAMADA

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EXAMINED

ARGENTRIGHT  
ART UNIT PAPER NUMBER

3747

9

DATE MAILED: 02/05/99

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 11/2/98, 11/2/98 ☐ This action is made final

A shortened statutory period for response to this action is set to expire 2 month(s), days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948 |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449.      | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152.      |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.     | 6. <input type="checkbox"/>  |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-16 are pending in the application  
Of the above, claims 9, 11 are withdrawn from consideration.
2. ☐ Claims have been cancelled.
3. ☒ Claims 1-8, 10, 12-16 are allowed.
4. ☐ Claims are rejected.
5. ☐ Claims are objected to.
6. ☐ Claims are subject to restriction or election requirement.
7. ☐ This application has been filed with Informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☐ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. ; filed on
13. ☒ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

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## **DETAILED ACTION**

### ***Election/Restriction***

Applicant's election with traverse of Group I (claims 1-8) in Paper No. 7 is acknowledged. The traversal is on the ground(s) that separate utility has not been shown. This is not found persuasive because the invention of Group II has utility independent of the the type of linkage and spring arrangement between the drive motor and throttle valve. Newly submitted claim 11 also has utility apart from the elected invention for the same reason and is therefore withdrawn from consideration.

The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: In Figure 8, "302", as set forth on page 19, lines 10-12. Also in Figure 8, "602" does not appear to indicate the end of the return spring. Correction is required.

### ***Allowable Subject Matter***

Claims 1-8, 10 and 12-16 are allowed.

### ***Conclusion***

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This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show pertinent throttle control arrangements.

This application is in condition for allowance except for the following formal matters:

Correction of the drawings as noted above and cancellation of the non-elected claims.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ex. Argenbright whose telephone number is (703) 308-1955. The examiner can normally be reached on Monday-Thursday and alternate Fridays from 6:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Yuen, can be reached on (703) 308-1946. The fax phone number for this Art Unit is (703) 308-7766.

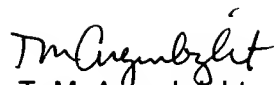
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0861.

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February 1, 1999

  
T. M. Argenbright  
Primary Examiner  
A. U. 3747